

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA

Case No. 1:20-cr-106-JMS-TAB-01

v.

TOMMY SIMS

ORDER ON MOTION FOR
SENTENCE REDUCTION UNDER
18 U.S.C. § 3582(c)(1)(A)
(COMPASSIONATE RELEASE)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission, IT IS ORDERED that the motion is:

☐ DENIED.

☒ DENIED WITHOUT PREJUDICE.

☐ OTHER:

☒ FACTORS CONSIDERED: See attached opinion.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cr-00106-JMS-TAB
)	
TOMMY SIMS,)	-01
)	
Defendant.)	

Order Denying Motion for Compassionate Release Without Prejudice

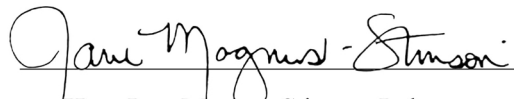
Defendant filed a pro se motion that the Court construed as a motion for compassionate release under the First Step Act of 2018. Dkt. 33. The Court appointed counsel to represent Defendant. Dkt. 34. Counsel appeared on Defendant's behalf, dkt. 35, but then was allowed to withdraw, dks. 37, 38.

After counsel withdrew, the Court ordered Defendant to supplement his motion with any other information or argument that might inform the Court's discretion to grant or deny his motion for compassionate release. Dkt. 39. The deadline for filing the required supplement was September 8, 2021. *Id.* The Court warned Defendant that his motion for compassionate release would be deemed abandoned and denied without prejudice if he did not file a supplement as required. *Id.* At Defendant's request, the Court extended the deadline to supplement to October 12, 2021, and then to November 15, 2021. Dkts. 42, 44. Both times, the Court warned Defendant that his motion for compassionate release would be deemed abandoned and denied without prejudice if he did not file a supplement as required. *Id.* The most recent extension order was mailed to Defendant on October 19, 2021. Dkt. 44.

As of the writing of this Order, Defendant has not supplemented his motion for compassionate release as required, and the deadline for doing so has passed. Accordingly, the Court considers Defendant's motion for compassionate release abandoned, and the motion, dkt. [33], is **denied without prejudice**. Nothing in this Order, however, prohibits Defendant from filing a new motion for compassionate release.

SO ORDERED.

Date: 12/6/2021


Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

Tommy Sims
Reg. No. 11024-028
FCI Greenville
Federal Correctional Institution
P.O. Box 5000
Greenville, IL 62246

All Electronically Registered Counsel